IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4977 OF 2007.
IN
FIRST APPEAL NO.2305 OF 2007.

Agriculture Produce Market Committee ...Applicant

Versus

Suresh B. Shewale ...Respondent

Shri S.S.Roregave for the Applicant.

Shri B.C.Palreiha for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 21st November, 2007.

P.C.:

1. Rule. Advocate for the Respondent waives service. Taken up for hearing forthwith. The impugned decree is a money decree. Considering the facts and circumstances of the case, the Applicant will have to deposit the entire decretal amount as a condition for grant of stay. Considering the findings recorded by the trial Court on issue Nos.1 and 2, if the amount is deposited by Applicant, the Respondent will have to be permitted to withdraw the said amount subject to furnishing security for the said amount.

2. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing with the trial Court the entire decretal amount within a period of twelve weeks from today.

(ii) If the decretal amount is not deposited within the stipulated time, interim relief granted will stand vacated without further reference to the Court.

(iii) If the amount is deposited within the stipulated time, it will be open for the Respondent to withdraw the said amount on furnishing adequate security for the said amount to the satisfaction of the trial Court.

(iv) The Applicant will be heard before accepting the security.

(v) There will be no orders as to costs.

JUDGE